

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

**IN THE MATTER OF THE PETITION
OF ACN COMMUNICATION SERVICES INC.
FOR A CERTIFICATE OF TERRITORIAL
AUTHORITY TO PROVIDE FACILITIES-
BASED AND RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES
INCLUDING CALLER ID SERVICES
THROUGHOUT THE STATE OF INDIANA
AND FOR AN ORDER REQUESTING THE
COMMISSION TO DECLINE TO EXERCISE ITS
JURISDICTION PURSUANT TO I.C. 8-1-2.6**

FILED

MAR 08 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42479

You are hereby notified that on this date, the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On July 2, 2003, ACN Communication Services, Inc. ("Petitioner") filed its Petition with the Indiana Utility Regulatory Commission ("Commission"), requesting the Commission issue a Certificate of Territorial Authority to provide facilities-based and resold local exchange services to the public within the State of Indiana, including Caller ID services, and for an Order by the Commission declining to exercise its jurisdiction in whole or in part, to the fullest extent allowed by law, under I.C. 8-1-2.6.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held on August 18, 2003. The Petitioner and the Office of Utility Consumer Counselor ("Public") appeared and participated at the Prehearing Conference, and agreed to a procedural schedule in this Cause. On September 25, 2003, the Commission issued a docket entry re-setting the procedural schedule, after being informed by the parties that such action was necessary.

On October 10, 2003, the Presiding Officer received a *Motion for Extension of Procedural Schedule* from the Public, requesting a further revision of the schedule due to persistent discovery difficulties between the parties. The Presiding Officer issued a docket entry on October 14, 2003, resetting the schedule regarding the filing and hearing dates in this Cause. On October 29, 2003, the Presiding Officer received a *Motion for Extension of Procedural Schedule* from the Public, requesting a further revision of the schedule due to settlement and scheduling issues.

On November 20, 2003, the Presiding Officer received ACN Communications Services, Inc.'s *Verified Motion to Temporarily Suspend Procedural Schedule by Agreement* ("Motion"), in which

Petitioner asserted that due to its involvement in other matters, it had reached agreement with the Public to suspend the matter for ninety (90) days. Further, Petitioner proposed that it file a status report with the Commission on or before February 20, 2004, stating its intent to proceed, and proposing a further schedule as necessary.

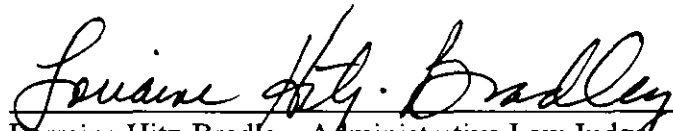
On February 20, 2004, Petitioner filed its *Verified Motion to Continue Temporary Suspension of Procedural Schedule by Agreement*, in which Petitioner advised that the parties had failed to resolve outstanding issues and had a further meeting scheduled for February 24, 2004. Petitioner requested that the suspension of the procedural schedule continue until further order, and requested that the Presiding Officer grant it leave to file a Status Report by March 5, 2004, at which time Petitioner would propose a further schedule.


On March 5, 2004, Petitioner filed *ACN Communications Services, Inc.'s Status Report and Request to Reinstate Procedural Schedule by Agreement*, in which it requested dates be established for the furtherance of this proceeding. Specifically, Petitioner suggested that the OUCC should file its evidence on or before March 26, 2004, that Petitioner file any rebuttal on or before March 30, 2004, and the hearing be scheduled as quickly thereafter as possible.

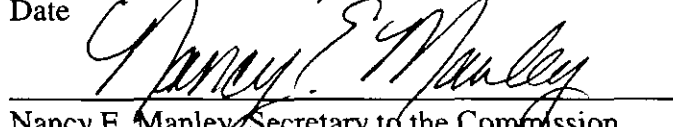
The Presiding Officer in this Cause, being duly advised in the premises, hereby finds that:

Petitioner's Request is GRANTED. The OUCC shall file its evidence on or before March 26, 2004, the Petitioner shall file its rebuttal on or before March 30, 2004, and the evidentiary hearing shall be held on Thursday, April 1, 2004, at 9:30 a.m., in Room E306 of the Commission.

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge


Date


Nancy E. Manley, Secretary to the Commission